

ORDINANCE NO. 44-2006

ORDINANCE GIVING AUTHORITY TO THE CHIEF BUILDING INSPECTOR TO ORDER THE DEMOLITION OF BUILDINGS UNDER EMERGENCY CIRCUMSTANCES.

WHEREAS, the State of Alabama passed Act No. 02-522 entitled “Municipal Authority to Repair or Demolish Structures” now codified as §11-53b-1, Ala. Code 1975 as amended, which gives express authority to every municipality within the State of Alabama to demolish buildings that the City Council deem to be a public nuisance and/or a blight to an area; and

WHEREAS, the City of Montgomery previously passed an ordinance 10-2001 mirroring the previous state law authorizing Class Three Municipalities to abate nuisances; and

WHEREAS, the City wishes to follow the current state law, Act 02-522, now codified as §11-53b-1, Ala. Code 1975, as amended regarding abatements; and

WHEREAS, under the new state law, in order for the Chief Building Official to be able to declare there to be an emergency situation where public safety is an issue and to have the authority to order the immediate demolition or repair of said structure, there must be an ordinance in place:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that the following ordinance is hereby adopted:

- 1. The Mayor or his designee may, pursuant to Act 02-522, now codified as §11-53b-1, Ala. Code 1975, as amended, initiate immediate repair or demolition of a building structure when, in his/her opinion, such emergency action is required due to the imminent danger of structural collapse endangering adjoining property, the public right of way or human life or health. The cost of the emergency action shall be fixed by the Council and shall be assessed in accordance with the provision of §11-53b-5, Ala. Code 1975, as amended.**

**STATE OF ALABAMA)
COUNTY OF MONTGOMERY)
CITY OF MONTGOMERY)**

I, Brenda Gale Blalock, City Clerk of the City of Montgomery, Alabama, DO HEREBY CERTIFY that the foregoing is a true and correct copy of a Ordinance which was duly adopted by the Council of the City of Montgomery at a regular meeting held on the 1st day of August, 2006.

GIVEN under my hand and the official SEAL of the City of Montgomery, Alabama, this

the 2nd day of August, 2006.

/s/ Brenda Gale Blalock
City Clerk

APPROVED:
/s/ Bobby N. Bright, Mayor

8/2/06
Date